

MINUTES OF THE TYNGSBOROUGH CONSERVATION COMMISSION MEETING

August 8, 2006

Present

JK: Jeffery Kablik, Chairperson
HJ: Henry Jungmann, Vice Chair
JZ: Jeanne Zarba
LC: Lori Capone, Director

RS: Robert Sherburne
LG: Lucy Gertz
FZ: Frank Zarba

Absent

CH: Cynthia Hanna

7:02 Meeting opened by Jeffrey Kablik, Chairperson.

7:02(7:03) Whispering Pines Estates – 39 Lakeview Avenue – Notice of Intent: (Map 25, Parcel 13, Lot 0) (Continued from 11/8/05, 12/13/05, 1/10, 2/14, 3/28, 4/25, & 6/13/06) Proposed residential townhouses, roadway, roadway crossing of an intermittent stream, drainage, grading, and associated utilities within the buffer zone. Also, removal of existing septic system, associated grading and construction of a water pump station within the buffer zone. LC informed the Commission that the applicant has not submitted revised plans to Howe to review yet and has requested a continuance to September 12, 2006. HJ requested LC write a letter to the applicant to inform him that if the revisions are not submitted by 9/12/06, the hearing will be continued indefinitely and the applicant will be responsible for re-notifying abutters when he is ready.

HJ: Motion to continue the hearing to September 12, 2006 at 7:30 PM.

RS: 2nd

Unanimous 6-0

Other Business:

- ❖ **Director's Determination** for Fozi Hader at **2 Cummings Road**. LC received a complaint about fill at the above address. When she performed a site visit, the homeowner had already installed silt fence but was made aware that any work within 200 feet of the River requires approval from the Commission. The fill is to be spread in the yard by hand and hand seeded. No trees are to be removed.

FZ: Motion to approve the Director's Determination at 2 Cummings Road.

LG: 2nd

Unanimous 6-0

- ❖ **Director's Determination** for Ronald Vieira at **7 Alden Street**. Mr. Vieira would like to install a granite walkway from his driveway to the stair at the water's edge. All work will be performed by hand.

FZ: Motion to approved the Director's Determination for 7 Alden Street.

JZ: 2nd

Unanimous 6-0

Minutes 8/8/06 continued

- ❖ LC directed the Commission to an email she received from Mr. Harvey at 267 Pawtucket Blvd. inquiring about the work being performed at 265 Pawtucket Blvd. It was determined that LC would write a letter to Mr. Harvey indicating that it has not been proven that the flooding occurring at 267 Pawtucket Blvd. is directly related to the activities at 265 Pawtucket Blvd but the Commission will continue to monitor the situation closely. The Commission also requested LC kindly remind Mr. Harvey that he owes the Commission a NOI filing for work performed on his property in violation of the Wetlands Protection Act and the Wetlands Protection Bylaw.

7:20(7:24) Boston & Maine Corporation – B & M Rights of Way – Request for Determination of Applicability: (Continued from 5/9, 6/13, 6/27 & 7/11/06) Verification of sensitive areas. LC informed the Commission that the applicant still has not remarked the tracks. The applicant has requested a continuance to October 24, 2006.

JZ: Motion to continue the hearing to October 24, 2006 at 7:02 PM

RS: 2nd

Unanimous 6-0

7:25 Manuel and Judith Mendes – 93 Chestnut Road – Request for Determination of Applicability: (Map 8, Parcel 66) Proposed construction of an in-law apartment, clearing, grubbing and grading associated with installation of a septic system within the buffer zone.

JZ: Motion to waive the reading of the abutters list.

LG: 2nd

Unanimous 6-0

JZ: Motion to waive the Legal Ad.

LG: 2nd

Unanimous 6-0

Jerry Foley of Belanger and Foley represented the applicant who was not present. The applicant proposes to construct an in-law apartment additional which warrants construction of a new septic system. The new septic system will be completely outside the buffer zone. The existing system is within the buffer zone and will be abandoned. A small section of the addition is located within the buffer zone and there will be some minor clearing, grubbing, and grading within the outer 10 feet of the buffer zone associated with the septic system installation and the foundation backfill. Silt fence is proposed for erosion control. Mr. Foley said the applicant has received approval from the Planning Board and has submitted the plans for approval from the Board of Health. JK asked if there were any comments from the Commission and abutters. There were none.

HJ: Motion to close the hearing

JZ: 2nd

Unanimous 6-0

HJ: Motion to issue a Negative Determination

LG: 2nd

Unanimous 6-0

Minutes 8/8/06 continued

Other Business:

- ❖ **JZ: Motion** to approve the minutes of July 11, 2006

RS: 2nd

Unanimous 6-0

- ❖ **HJ: Motion** to approve the minutes of July 25, 2006

FZ: 2nd

Unanimous 6-0

- * JK recused himself from the following hearing as he is involved with Youth Soccer. HJ, Vice Chair, opened the hearing.

7:30(7:33) Amy Schade/ Tyngsboro Youth Soccer – 135 Coburn Road – Request for Determination of Applicability: (Map 31, Parcel 42A) Installation of drainage system, perimeter fence and renovation of playing surface within the buffer zone and riverfront area.

JZ: Motion to waive the reading of the abutters list

FZ: 2nd

Unanimous

JZ: Motion to waive the reading of the Legal Ad

FZ: 2nd

Unanimous

Amy Schade addressed the Commission. Ms. Schade explained that the soccer field needs to be improved but they must first install an irrigation system. They would also like to install a guardrail along the edge of the parking lot and a chain linked fence around the field to keep cars and ATVs off the field and the balls in the field. LC asked if they plan on using fertilizers on the field. The Commission requested that fertilizers be utilized minimally. LC also commented that the Legal Ad bill is still outstanding. HJ asked for abutters. There were none.

JZ: Motion to close the hearing

RS: 2nd

Motion Carried 5-0 (JK recused)

JZ: Motion to issue a Negative Determination with the condition that fertilizers will be used minimally.

LG: 2nd

Motion Carried 5-0 (JK recused)

- * JK rejoined the Commission.

7:35(7:41) Kim Craven – 206 Massapoag Road – Notice of Intent: (Map 2, Parcel 82) Proposed construction of a two-trench septic system with a 1500 gallon tank within the buffer zone. Maureen Hanley of Norse Environmental Services represented the applicant who was not present. Ms. Hanley explained the limitation to the site due to lot size and well locations. The system is proposed on “common land” which Ms. Hanley has

Minutes 8/8/06 continued

researched and found recorded easements from all the owners of the common land allowing repair of septic systems on the common land. The lot is located within the estimated habitat for endangered species and within the Petapawag ACEC. The project would require the removal of 4 trees and Natural Heritage has determined that the project will not adversely impact endangered species. The applicant received approval from the Board of Health in 2001 which has been extended to 2007. The location of the existing system is unknown. Fill will be stockpiled behind the existing house. The Commission requested the Conservation Department be contacted when the existing system is located if additional work is required. JK asked if there were any abutters. There were none.

HJ: Motion to close the hearing

RS: 2nd

Unanimous 6-0

HJ: Motion to issue an OOC per plan dated 10/15/01 and discussion.

RS: 2nd

Unanimous 6-0

Other Business:

❖ Mr. Harvey of 267 Pawtucket Blvd. addressed the Commission regarding his neighbors project at 265 Pawtucket Blvd. HJ recused himself from the discussion. Mr. Harvey indicated that the dry wells had been installed this past week and work seemed to be progressing. Mr. Harvey requested the Commission write a letter to the homeowner requesting the job be completed quicker. JK explained that the Commission will continue to monitor the situation closely.

❖ **Request for a Certificate of Compliance** for 25 Nevada Road. This was for a swimming pool back in 2000.

FZ: Motion to issue a Certificate of Compliance for 25 Nevada Road.

JZ: 2nd

Unanimous 6-0

❖ **Request for a Certificate of Compliance** for 12 Buck Hill Road. This was for an addition back in 2001.

FZ: Motion to issue a Certificate of Compliance for 12 Buck Hill Road.

JZ: 2nd

Unanimous 6-0

❖ **Request for a Certificate of Compliance** for 61 Progress Avenue. This is an industrial site on Progress Ave. The only outstanding issues are the installation of the storage tanks which are outside the buffer zone, and construction of the dumpster pad.

FZ: Motion to issue a Certificate of Compliance for 61 Progress Avenue.

RS: 2nd

Unanimous 6-0

Minutes 8/8/06 continued

- ❖ Members signed the following DEP forms: Determination for 93 Chestnut Road, Determination for 135 Coburn Road, C.C. for 25 Nevada Road, C.C. for 12 Buck Hill Road, and C.C for 61 Progress Avenue.

JZ: Motion to adjourn

HJ: 2nd

Unanimous 6-0

Meeting adjourned at 8:27

Respectfully submitted by Lori Capone, Conservation Director